PALM BEACH COUNTY LIBRARY SYSTEM
GOVERNMENT DOCUMENTS

ORDINANCE NO. 2010 - 013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **GARDENS PARK CLF (SCA 2010-002);** MODIFYING PAGE **93** BY CHANGING A **7.50** ACRES PARCEL OF LAND LOCATED ON EAST SIDE OF HAGEN RANCH ROAD, APPROXIMATELY 1.5 MILES SOUTH OF BOYNTON BEACH BOULEVARD, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO INSTITUTIONAL WITH AN UNDERLYING HIGH RESIDENTIAL, 8 UNITS PER ACRE (INST/HR-8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on December 11, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 22, 2010, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 93 is amended as follows:

Application No.:	GARDENS PARK CLF (SCA 2010-002)
Amendment:	Low Residential, 3 units per acre (LR-3) **to** Institutional with an underlying High Residential, 8 units per acre (INST/HR-8);
General Location:	East side of Hagen Ranch Road, approximately 1.5 miles south of Boynton Beach Boulevard;
Size:	Approximately 7.50 acres;
Condition(s):	Development of the subject site shall be limited to a Congregate Living Facility (CLF) with a maximum of 135 beds.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part

of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 22nd day of April, 2010.

ATTEST:
SHARON R. BOCK, CLERK
AND COMPTROLLER

By: Diane Brown
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By Shelley Vana for
Burt Aaronson, Chair
Shelly Vana

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

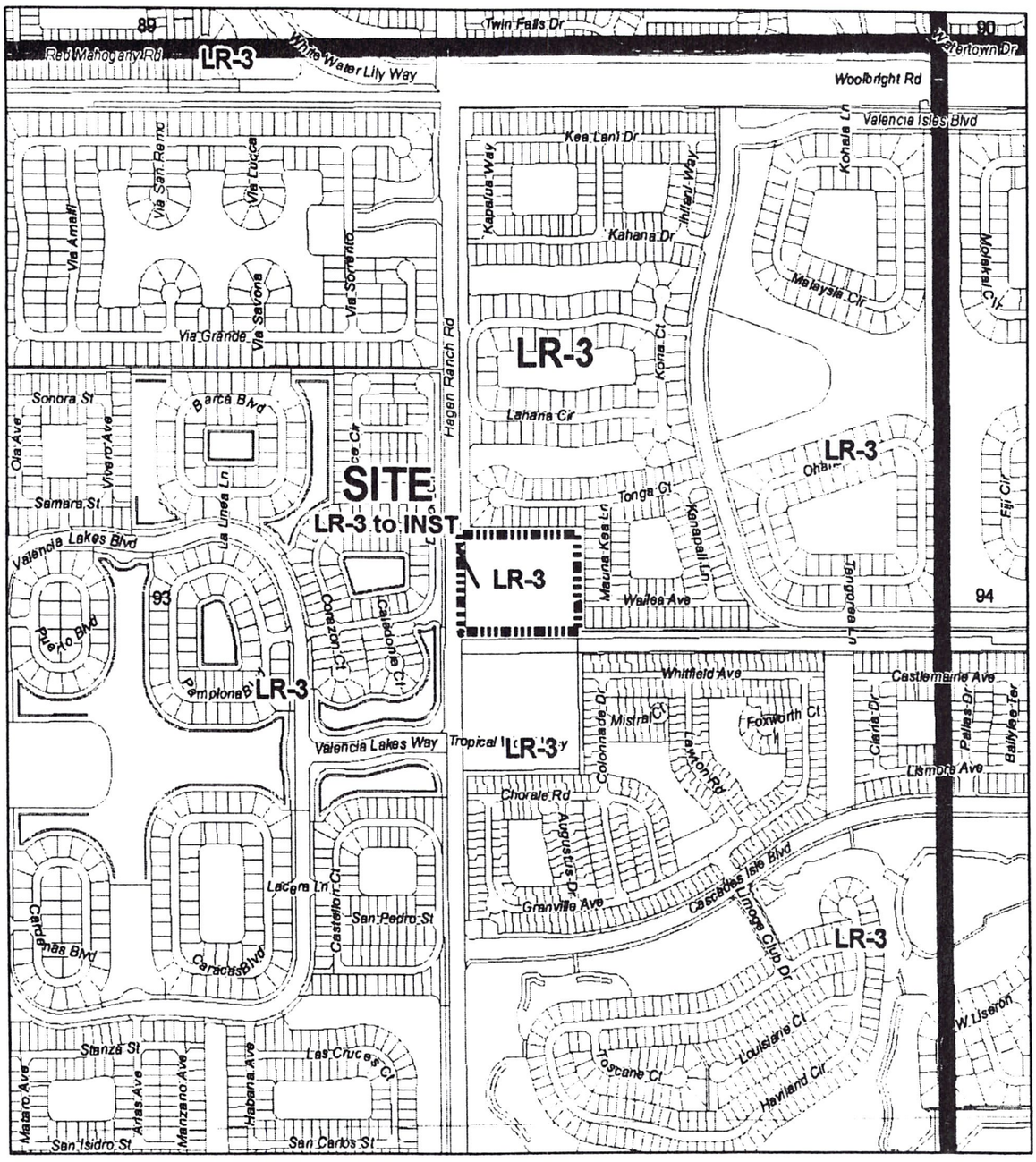
COUNTY ATTORNEY

Filed with the Department of State on the 29th day of April, 2010.

t:\planning\amend\10-sca\ordinance\gardens park institutionalordinance.doc

EXHIBIT 1

Amendment No.:	**Gardens Park CLF (SCA-2010-002)**
FLUA Page No.:	93
Amendment:	**LR-3 to INST/HR-8**
Location:	East side of Hagen Ranch Road, approximately 1.5 miles south of Boynton Beach Boulevard
Size:	7.50 acres
Property No.:	00-42-45-33-15-000-0010; 00-42-45-33-15-001-0000; 00-42-45-33-15-002-0000
Conditions:	Development of the subject site shall be limited to a Congregate Living Facility (CLF) with a maximum of 135 beds



Legal Description

ALL OF RARE SPECIES NURSEY, AS RECORDED IN PLAT BOOK 84, PAGE 154, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 326,718 SQUARE FEET OR 7.500 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

PCN: 00-42-45-33-15-000-0010
00-42-45-33-15-001-0000
00-42-45-33-15-002-0000

Containing in all, 7.50 Acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on April 22, 2010
dated at West Palm Beach, FL on 5/4/10
By: Diane Brown
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA